

ENTERED

January 28, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

JORGE ALBERTO MARTINEZ

VS.

GUADALUPE HERNANDEZ

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MISC, ACTION NO. 7:12-MC-00610

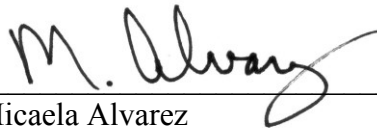
ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is Jorge Alberto Martinez' *pro se* pleadings, which had been referred to the Magistrate Court for a report and recommendation. On January 4, 2019, the Magistrate Court issued the Report and Recommendation, recommending that Jorge Alberto Martinez' pleadings be denied; that this action be dismissed without prejudice and further, that this case be closed. The time for filing objections has passed and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.¹ Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby **ORDERED** that Jorge Alberto Martinez' pleadings are **DENIED** and his claims are **DISMISSED** without prejudice. Further, the Court **ORDERS** this case closed.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 28th day of January, 2019.



Micaela Alvarez
United States District Judge

¹ As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Douglas v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting FED. R. CIV. P. 72(b) advisory committee's note (1983)) *superseded by statute on other grounds* by 28 U.S.C. § 636(b)(1), as stated in ACS Recovery Servs., Inc. v. Griffin, No. 11-40446, 2012 WL 1071216, at *7 n.5 (5th Cir. Apr. 2, 2012).